

### III. REMARKS

Claims 1-28 are currently pending in the instant application. Claims 11-22 have been withdrawn. Claims 23-28 have been added.

#### **Election/Restrictions**

The examiner states that the Markush Group set forth in the claims includes both independent and distinct inventions, and patentably distinct compounds (species) within each invention far too numerous to list individually. Further, the examiner states that each of these inventions contains a plurality of patentably distinct compounds, which are too numerous to list individually. The examiner has therefore required restriction pursuant to 35 U.S.C. § 121 to one of the following inventions:

I. Claims 1-10, drawn to compounds of formula (I), classified class 548, subclasses 950, 952 and 953.

II. Claim 11, drawn to a process for preparing compounds of formula I, classified in class 548, subclasses 950, 952 and 953.

III. Claims 12-11, drawn to a medicament comprising at least one azetidine compound of claim 1 and optionally one or more pharmaceutically acceptable carriers, classified in class 514, subclass 210.17.

IV. Claims 18-22, drawn to the use of at least one substituted azetidine compounds according to claim 1, classified in class 514, subclass 210.17.

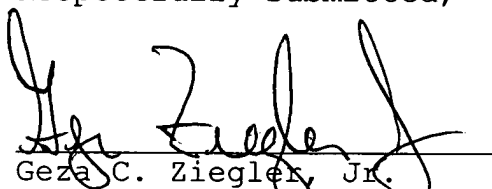
Applicant elects group I, claims 1-10.

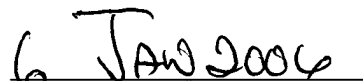
The examiner has also required election of a single species. In response, applicant elects (3, 5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-azetidin-1-yl)-methanone, which is the first identified compound in claim 10.

Material identified as preferred in the pending claims has been removed and placed in new dependent claims.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 6, 2006

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